IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 11741 of 2004

Between:

M.Damodara Rao, s/o M.Satyanarayana, Guard-cum-Peon, A.P.State Ware Housing Corporation, Bhimavaram.

..... PETITIONER

AND

1 Government of Andhra Pradesh, represented by its Secretary,
Food & Agriculture (Marketing) Department, Secretariat, Hyderabad.
2 A.P.State Ware Housing Corporation represented by its Managing Director, II Floor, Ware Housing Sadan, Near GandhiBhavan, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction more particularly in the nature of mandamus declaring the action of the respondents in not regularising the services of the petitioner while regularising the juniors to the petitioner as per G.O.Ms.No.117, dated 19-02-1990 as illegal, arbitrary and discriminatory and consequently direct the respondents to regularise the services of the petitioner as Guard-cum-Peon with effect from the date of regularization of his junior with all consequential benefits

Counsel for the Petitioner: MR.K.RAMA SUBBA RAO

Counsel for the respondent No.1 : The GP for Food & Agriculture

Counsel for the Respondent No2: MR.G.BHASKAR, SC for AP State Ware Housing Corporation

The Court made the following :

ORAL ORDER:

The petitioner questions the acts of the respondents in not regualarising his services as Guard-cum-Peon while regularising the services of the similarly situated persons as illegal and arbitrary.

The petitioner was appointed as watchman on daily wages on 11-12-1986 and he was continued in the service till 30-06-1988. While so, his services were terminated with effect from 01-7-1988. Then, the petitioner has raised a dispute in I.D. No. 106 of 1996 and the Labour Court, Guntur, vide its Award dated 24-09-2001 directed the respondents for the reinstatement of the petitioner into service with continuity of service but without back wages. The said award has become final and accordingly he was reinstated into service as per the order of the second respondent dated 5-6-2004. The petitioner reported to duty on 08-06-2004 and was posted to Godown, Bhimavaram. It is the further case of the petitioner that more than 70 persons were appointed on daily wages in different categories from 1986 onwards and the Government considered the cases of daily wage employees and issued G.O.Ms. No.117, Food & Agriculture (Mktg.) Department, dated 19-02-1990 directing to regularise the services of 69 individuals working in various categories on daily wages as they have completed three years of service as on 31-1-1990 and satisfied the other conditions of the recruitment like age qualification etc.

Learned counsel for the petitioner submits that the case of the similarly situated persons has been considered and their services have been regularised basing on the directions issued by this Court in W P No. 34446 of 1997 & WP No.14631 of 1999 and recently this Court also disposed of the similar Writ Petition No. 12010 of 2004 on 21-7-2004 directing the second respondent to consider and dispose of the representation of the petitioner therein.

Having regard to the facts and circumstances of the case, the petitioner is directed to file a representation before the second respondent within two weeks from the date of the receipt of this order and on filing such representation, the second respondent is directed to consider the same and pass appropriate orders within eight weeks

thereafter and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH,J

Dt.15-9-04

Kvrk

To

1 The Secretary, Food & Agriculture (Marketing) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Managing Director, A.P.State Ware Housing Corporation
II Floor, Ware Housing Sadan, Near Gandhi Bhavan, Hyderabad.

3. Two CCs to the GP for Food & Agriculture, High Court of AP, Hyd.(OUT)

4. Two CD copies.